IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 11563 of 2004

Between:
A.V.S Sairaja, adopted son of Manikya Ramayya, aged about 17 years being minor rep. by his natural maternal uncle Sri K.Hariprasad, s/o.Rama Rao aged about 35 years, Resident of 2-5-356, Nakkalagutta, Hanamkonda, Warangal District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Hanamkonda
Hanamkonda Mandal, Warangal District.
2 A.V.S.Ramesh S/o. V.L. Narasimha Rao,
Resident of Beside Vivekananda School,
Mamillagudem, Khammam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more in the nature of writ of certiorari calling for the records relating to and connected with the memo in R.C.No.E/824/2004 dated 23.6.2004 from the 1st respondent and quash the same by declaring it as being illegal, arbitrary and is violation of principles of natural justice.

For the Petitioner: MR. C. A. R. SESHAGIRI RAO, Advocate.

For the Respondent No.1: GP FOR REVENUE

For the Respondent No.2: --

The Court at the admission stage made the following :

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue and with their consent, the writ petition itself is taken up for final disposal at the admission stage.

The petitioner filed this writ petition questioning the impugned order of the first respondent-Mandal Revenue Officer under Memo dated 23-6-2004 in cancelling the legal heir certificate of the petitioner, dated 20-12-2003.

The petitioner claims to be adopted son of Sri A. Manikya Ramayya and Smt. Suseela. The grievance of the petitioner is that his legal-heirship granted under certificate dated 20-12-2003, has been cancelled by the first respondent through his order Memo dated 23-6-2004, without giving any opportunity of hearing to him, basing on the application made by the second respondent claiming to be the actual legal heir of the said couple. Questioning the impugned order Memo, the present writ petition is filed.

On a reading of the impugned order Memo of the first respondent dated 23-6-2004, it is revealed that since the petitioner concealed the facts and misguided the officials by claiming himself as the son of the deceased Manikya Ramaiah and as there is dispute about the legal-heirship between the petitioner and the second respondent, the legal heir certificate issued to the petitioner on 20-12-2003 was cancelled and the parties were directed to approach competent Civil Court. In the circumstances, no exception can be taken to the impugned order of the first respondent cancelling the legal-heirship of the petitioner.

In that view of the matter, I see no reason to interfere with the impugned order of the first respondent. However, the petitioner is at liberty to approach competent Civil Court for legal heir certificate.

Accordingly, the writ petition is dismissed. No costs.

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N.V. RAMANA, J

Date: 08-07-2004

Svv

To

1 The Mandal Revenue Officer, Hanamkonda, Hanamkonda Mandal, Warangal District.
2 Two CCs. to the Government Pleader for Revenue, High Court Buildings, A.P., Hyderabad (OUT).
3 Two CD copies.

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